



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

RICHARD MICHAEL SELLERS,	:	07 Civ. 7000
	:	
Plaintiff,	:	
	:	
-against-	:	<u>ORDER</u>
	:	
C.O. BRIAN COSTELLO #335,	:	
	:	
Defendant.	:	

-----X

SIDNEY H. STEIN, U.S. District Judge.

In an Order dated December 12, 2007, Magistrate Judge James C. Francis extended plaintiff's time to effect service until January 31, 2008 pursuant to Fed. R. Civ. P. 4(m) and directed the Clerk of Court to issue an amended summons, if necessary. An amended summons was issued on December 17, 2007.

On February 10, 2008, Magistrate Judge James C. Francis issued a Report and Recommendation recommending that the complaint in this action be dismissed without prejudice pursuant to Fed. R. Civ. P. Rule 4(m) for failure to serve. As of today, there is nothing in the Court's records indicating that the complaint was ever served. Accordingly,

IT IS HEREBY ORDERED that the Court adopts the Report and Recommendation of Magistrate Judge Francis and the Clerk of Court is directed to dismiss the complaint in this action, without prejudice, pursuant to Fed. R. Civ. P. 4(m).

Dated: New York, New York  
March 7, 2008

SO ORDERED:

 A handwritten signature of Sidney H. Stein in black ink, written over a horizontal line.
 

Sidney H. Stein, U.S.D.J.